

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
CIVIL MINUTES**

**Case No.:** CV 05-95-PA

**Date of Proceeding:** 3/2/06

**Case Title:** Palmer v Garner, et al.

**Presiding Judge:** Owen M. Panner

**Courtroom Deputy:** Deborah DesJardins

**Reporter:** Dennis Grube

**Tape No:** \_\_\_\_\_

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**DOCKET ENTRY:**

Record of hearing: Plaintiff's motion for partial summary judgment (#101) is granted as to the affirmative defense of fair use; denied as to ownership, contributory infringement and measure of damages; and ruling reserved as to copying. Defendants' motions for summary judgment (## 81, 85, 92, 97) are denied. On the substantial similarity issue, the parties are to submit simultaneous briefs within five days on the question of whether we are deciding the copyright issue on just the floor plan or on entire house.

Pretrial materials are due March 8, 2006. By March 6, 2006, plaintiff to submit proposed stipulated facts; by March 9, 2006, defendants to submit proposed stipulated facts; and then parties are to confer and draft joint stipulated facts to submit at the pretrial conference. At trial, liability and damages will be bifurcated, with the same jury.

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**PLAINTIFF'S COUNSEL**

**DEFENDANT'S COUNSEL**

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Danny Hitt, James Hiller, Kathryn Pratt  
Sciuchetti

Gregory Lynch, Richard Yugler, Stuart Cohen, Kyle

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cc: { } All counsel

**DOCUMENT NO:** \_\_\_\_\_  
**CIVIL MINUTES**

**Civil Minutes**

**Honorable Owen M. Panner**